

BOARD OF ZONING APPEALS - Minutes of May 26, 2020

6:00 pm ★ Zoom Video Meeting

Minutes are posted on the City Website @ www.cityofvermilion.com (meetings tab/city meeting minutes)

Roll Call: Dan Phillips, Bob Voltz, Guy LeBlanc, Philip Laurien. Not Present: Dave Chrulski

Attendees: Bill DiFucci, Building Inspector; Steve Holovacs, Council Rep., Guest: Mayor Forthofer

NOTE: OFFICIAL ACTION REQUIRES 3 AFFIRMATIVE VOTES, See COV 1264.02(b); Therefore, *Motions will be stated in the positive (e.g., To Grant... / To Waive... / To Determine...); and a member=s >Yes= vote means Agree and a >No= vote means Disagree.

Dan Phillips, Chairman called the May 26, 2020 meeting to order.

APPROVAL OF MINUTES:

B. Voltz MOVED; D. Phillips seconded to approve the meeting minutes of April 28, 2020. Roll Call Vote 3 YEAS (Phillips, Voltz, Laurien). **MOTION CARRIED.**

An *Oath* of truthfulness was administered to those in attendance who planned to speak during these proceedings. *Dan Phillips* described how meetings are conducted, explained the avenue of recourse available when a variance request or appeal might be denied, and gave a reminder that it takes 3 affirmative votes for an action (motion*) to pass.

OLD BUSINESS:

[R-S] 267 Roxboro Road; Applicant: Alexander Roussos (Rear/Side Yard Setback for Garage; No Footings)

Applicable City code section(s) cited:

1272.11 (b) Minimum rear yard for detached garage shall be not less than 10' – proposed = 3' = variance request of 7'

1270.09 (e)(2)(c) Side yard not less than 7' – proposed = 1' – variance request of 6'

RCO 403.1 Footings required – proposed = no footings – variance request for no footings

Alex Roussos was present via phone conference call and conveyed he is looking to build a 20' x 20' steel garage and he discussed his property lines. A rear and side yard setback is required, as well as a variance on footings as it's a requirement on accessory buildings. B. DiFucci said they would rely on the manufacturer installation and they have been in contact with the manufacturer who has footing methods to see if they are acceptable for the design. Therefore, they are good with their proposed footing substitutions. D. Phillips asked Mr. Roussos if a car would go in the garage. Mr. Roussos said no car as they will use it for storage. B. DiFucci said

they have been in contact with the manufacturer because he would be required to fire rate it because it's a garage with an overhead door and it was confirmed the materials are fire resistant.

Phil Laurien asked what the alternative footing is. B. DiFucci said it's mobile home screws that are screwed down into the soil with a proper depth and they secure the bottom plate of the building to that fastener. P. Laurien asked if the weight bearing is adequate for this building and B. DiFucci said yes as it's all light framed steel and siding. P. Laurien asked if there is a fence to the rear and to the side and A. Roussos said yes. P. Laurien asked how they would construct that wall. A. Roussos said he will remove his fence next to the garage after construction. D. Phillips said he spoke with his neighbor who had no issues with anything. B. DiFucci said he needs to do something with the rainwater so that it's not sheeting right onto the adjoining lot. A. Roussos said he will address this.

D. Phillips MOVED; B. Voltz seconded to approve the three variance requests as cited above. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

NEW BUSINESS:

[B-2] 5741 Liberty Avenue; Applicant: Tom Dunfee (Allow Residential Use)

Applicable City code section(s) cited:

1270.12 (b) (2) (C) Residential Use – variance request to allow residential use

Tom Dunfee of 6216 State Route 60, Wakeman, Ohio conveyed that he wants to change the property from a commercial zoning to a residential zoning.

D. Phillips asked if he plans to live in the house and T. Dunfee said it will be rental property. D. Phillips asked if there is a driveway to this property and T. Dunfee said yes.

P. Laurien said this is a request for a conditional use. B. DiFucci confirmed and noted that it had to go the Planning Commission for approval first and Planning did approve it. P. Laurien said this is the Old Jibs house and noted there is a greenhouse to the rear that is a rental and asked if it will remain an apartment. T. Dunfee said this is correct. P. Laurien noted for the record that his property is caddy corner to this property and if anyone has any objections to him voting on this matter then he would recuse himself. The board did not see any conflict with this.

D. Phillips MOVED; B. Voltz seconded to approve the variance as cited above. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

[R-1] 2880 Jerusalem Road (Max height; max sq. footage to build pole barn)

Applicable City code section(s) cited:

1272.11 (c) Maximum height = 15' – proposed = 17' – variance request of 2'

1272.11 (e) Maximum square footage = 768 – proposed = 2240 sq. ft. – variance request of 1472 sq. ft.

Cody Northeim of 2880 Jerusalem Road said his intent is to build a 40' x 60' pole barn with 12' ceilings, 4/12 pitch, slightly in front of the façade of the home.

D. Phillips asked how many acres the property is. C. Northeim said his property is a little over two acres and there is roughly 40 acres of family farm field. D. Phillips asked if the barn will be used for storage. C. Northeim said he has a lot of toys he needs to store, and he will have a wood shop. B. DiFucci clarified that the application lists a 40' x 60' pole barn but on the drawings, it shows 40' x 56' so if they go with this then they will need to amend the square footages. C. Northeim said it will be 40' x 60' as the builder pulled the square footage off an old drawing.

B. Voltz asked if the awning areas would come in to play. B. DiFucci thought they should be included as well. They would not apply to the square footage, but would with setbacks, but he would treat it as a porch.

P. Laurien MOVED; B. Voltz seconded to approve the variance request as cited above. Roll Call Vote 4 YEAS (Laurien, Voltz, LeBlanc, Phillips). **MOTION CARRIED.**

[R-S] 4324 Edgewater Drive; Applicant: Graham Henderson (Side Yard Setback)

1270.09 (e) (2) (c) Side yards not less than 6' when garage is attached – proposed = 0 – variance request of 6'

Graham Henderson of 4324 Edgewater Drive said he is looking to put a garage onto his house. D. Phillips asked if this will be attached or detached. G. Henderson said he would like the garage to be attached, but if the board won't approve it, then he can do a detached garage. D. Phillips said they received a letter about this issue and he went to this person's residence to discuss his concerns, but was told this person doesn't live there anymore, so if he isn't living there he will not read the letter into the record. However, for the record the letter will be on file in the clerk's office. All members of the board have received and read the letter.

D. Phillips asked the applicant if the garage will be flush with the east side of his house. G. Henderson said yes, but the problem is that there needs to be a 7' variance approved by the board. He will not go any further out. It will be the same material as the home. He just wants to make sure he receives a variance before paying builders to build it. D. Phillips asked the building inspector what he would need to do with regards as the difference of a detached or attached garage. B. DiFucci said it would change his side yard variance request. It will not change the location as he's still planning on having it flush with his side wall which will give him a zero foot setback, but if it's attached to the house, he'll be asking for a 6' variance. If he detaches the garage from the house, he will be required to have a 7' side yard setback. G. Henderson asked if he should make his variance request 7' in case they can't do the garage flush. B. DiFucci said if he decides to detach the garage, he will need to come back to the Zoning Board for that variance request. D. Phillips confirmed that he will

need to come back to the board. B. Voltz said his personal opinion is that the variance request is for an attached, but if he changes it to a detached, then yes he would need to come back to the board for approval as others may have differing opinions and it wouldn't be fair for the board to make this call. G. Henderson asked how close he can bring the garage to the house if he detaches it. B. DiFucci explained that he would be then going for a front yard variance because the front yard requirement is 30'. However, in the zoning district RS he can match the existing on the street. There are two other properties on the street; one at a 26' setback and another at 26.5' setback, and his proposed attached is 26.5', so he meets the setback for two other properties on that street. If he detaches it, he will need to separate it from the house and he will encroach in the front yard, and he will need a front yard setback as well. He said if he isn't positive, then maybe he should get better information and they can table this and bring it back to the board. He said the road is not necessarily his property line; the setback is from his property line. He explained that whether it's detached or attached it will still affect the variance request. G. Henderson said he will then ask for the variance for an attached garage. If it doesn't work, then he will come back to the board to request a variance for a detached garage. B. DiFucci noted that the east wall will need to be fire-rated, which is pursuant to code.

P. Laurien addressed rainwater runoff depending on which way the roof will be pitched, but if it's pitched with the rainwater running to the east, he is sure the city will want him to capture that and put it on his own property. B. DiFucci confirmed as this rainwater cannot be directed onto an adjoining property, so he will need to gutter it up and direct it onto his property. G. Henderson said when the builders present this, will the building inspector advise them of the building codes. B. DiFucci said most of them are understanding of the building codes, but they may not be aware of the zoning codes, but they will have this discussion with them.

Andrew Harris 4289 Edgewater Drive said the only question they had pertained to how the rainwater would be dealt with, but it was answered sufficiently.

B. DiFucci noted that it's important that the property pins are exposed at the time of construction and the contractors need to be aware of this, so he can make sure all the numbers provided are adequate.

D. Phillips MOVED; G. LeBlanc seconded to approve the 6' variance request for an attached garage. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

(R-1) Matt Hasel – Property Location: 3900 Brownhelm Station Rd. (No fence – pool; will use lockable ladder)

D. Phillips noted the application was withdrawn as a variance was no longer needed as City Council recently amended the fence requirements pertaining to this issue.

[B-2] Dan Roth – Property Location: 5693 Liberty Avenue (Fence – face finished side “in”)

Applicable City code section(s) cited:

1272.09 (h) All fences shall be erected so that the finished side of the fence faces the adjoining property or properties.

G. Fisher read into the record a letter she received today from Deborah McDougal of 669 Washington Street regarding the fence that was constructed on her property line. She noted that the fence construction was discussed with her prior to construction and they reached a mutual understanding of how it was to be done. She said she is satisfied with the construction and noted there is some painting left to be done, but it has given her some privacy in her back yard and she feels safer about letting her grandchildren play outside. She said the fence makes her property look better and she has no problem with the fence facing Dan Roth's property, and implores the board to let it remain as is. She noted that Dan has brought nostalgia back to the old part of town with a new business, which is a feat worth celebrating. She said it reminds her of the old popcorn wagon they had at Main Street Park back in the day.

D. Roth of 5572 South Street was present. D. Phillips said this issue is self-explanatory.

D. Phillips MOVED; B. Voltz seconded to approve the variance request as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

Adjournment:

D. Phillips adjourned the meeting after no further business was entertained.

2020 MEETINGS:

4th Tuesday monthly (except December) - *Next: June 23, 2020 @ a time/location TBD*

Transcribed by Gwen Fisher, Certified Municipal Clerk